

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF MISSISSIPPI
WESTERN DIVISION

FREDERICK HAMILTON BANKS, #05711-068

PETITIONER

VERSUS

CIVIL ACTION NO. 5:08cv153-DCB-MTP

WARDEN BRUCE PEARSON, et al.

RESPONDENTS

ORDER

This cause comes before the court, *sua sponte*. Having considered the issues presented by the petitioner¹ in the instant petition and in light of *Tischendorf v. Van Buren*, No. 07-11262 (5th Cir. Dec. 11, 2007) pending before the United States Court of Appeals for the Fifth Circuit, this court has determined that this civil action shall be stayed pending the Fifth Circuit's decision in *Tischendorf v. Van Buren*.

SO ORDERED, this the 30th day of June, 2008.

s/ David Bramlette

UNITED STATES DISTRICT JUDGE

¹Notwithstanding the sections of the Code of Federal Regulation he is relying on, petitioner claims that he should be released to a half-way house or Community Correction Center.